

**State of California
Office of Administrative Law**

In re:
Bureau of Automotive Repair

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Regulatory Action:

Government Code Section 11349.3

Title 16, California Code of Regulations

OAL File No. 2011-1122-03 S

Adopt sections: 3340.38

Amend sections:

Repeal sections:

This rulemaking action by the Bureau of Automotive Repair (BAR) includes the adoption of section 3340.38 of title 16 of the California Code of Regulations. This new section identifies both the test procedures that Referee stations will use to inspect and certify Specially Constructed Vehicles under the Vehicle Registration Amnesty Program and the initial fee BAR will charge program applicants.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 1/6/2012.

Date: 1/6/2012


Eric Partington
Staff Counsel

For: DEBRA M. CORNEZ
Assistant Chief Counsel/
Acting Director

Original: Sherry Mehl
Copy: Steven Hall

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-09)

| | | | |
|--|---|--|------------------|
| OAL FILE NUMBERS | NOTICE FILE NUMBER Z-2011-0628-02 | REGULATORY ACTION NUMBER 2011-1122-03 S | EMERGENCY NUMBER |
| For use by Office of Administrative Law (OAL) only | | | |
| RECEIVED FOR FILING PUBLICATION DATE JUN 28 '11 JUL 08 '11 Office of Administrative Law NOTICE | | 2011 NOV 22 PM 3:54 OFFICE OF ADMINISTRATIVE LAW REGULATIONS | |

JAN -6 PM 1:09

 AGENCY WITH RULEMAKING AUTHORITY
 Department of Consumer Affairs (DCA), Bureau of Automotive Repair (BAR)

 AGENCY FILE NUMBER (If any)
 2011_218

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

| | | | | |
|---|--|---|--|---|
| 1. SUBJECT OF NOTICE Vehicle Registration Amnesty Program | | TITLE(S) 16 | FIRST SECTION AFFECTED 3340.38 | 2. REQUESTED PUBLICATION DATE July 8, 2011 |
| 3. NOTICE TYPE <input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other | | 4. AGENCY CONTACT PERSON Steven Hall | TELEPHONE NUMBER 916.255.2135 | FAX NUMBER (Optional) 916.255.1369 |
| OAL USE ONLY | ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn | | NOTICE REGISTER NUMBER 2011, 272 | PUBLICATION DATE 7-8-2011 |

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

| | | | |
|--|--|--|---|
| 1a. SUBJECT OF REGULATION(S) Vehicle Registration Amnesty Program | | 1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) | |
| 2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related) | | | |
| ACTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.) | | ADOPT 3340.38 | |
| TITLE(S) 16 | | AMEND | |
| | | REPEAL | |
| 3. TYPE OF FILING | | | |
| <input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. <input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input type="checkbox"/> File & Print <input type="checkbox"/> Print Only <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b)) <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) <input type="checkbox"/> Other (Specify) _____ | | | |
| 4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1) n/a | | | |
| 5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100) <input checked="" type="checkbox"/> Effective 30th day after filing with Secretary of State <input checked="" type="checkbox"/> Effective on filing with Secretary of State <input type="checkbox"/> \$100 Changes Without Regulatory Effect <input type="checkbox"/> Effective other (Specify) _____ | | | |
| 6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY <input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660) <input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal <input type="checkbox"/> Other (Specify) _____ | | | |
| 7. CONTACT PERSON Steven Hall | | TELEPHONE NUMBER (916) 255-2135 | FAX NUMBER (Optional) (916) 255-1369 |
| | | E-MAIL ADDRESS (Optional) steven.hall@dca.ca.gov | |

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

DATE

TYPED NAME AND TITLE OF SIGNATORY

Brian J. Stiger, Acting Director/Senior Chief Deputy Director

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

JAN 06 2012

Office of Administrative Law

BUREAU OF AUTOMOTIVE REPAIR

ORDER OF ADOPTION

The Bureau of Automotive Repair hereby adopts the following regulation in Article 5 of Division 33 of Title 16 of the California Code of Regulations as follows:

- (1) Add Section 3340.38 to Article 5, Chapter 1, Division 33, Title 16, California Code of Regulations, to read as follows:

§3340.38. Vehicle Registration Amnesty Program.

(a)(1) A specially constructed vehicle participating in the registration amnesty program, pursuant to Section 9565 of the Vehicle Code, shall be inspected by a referee station.

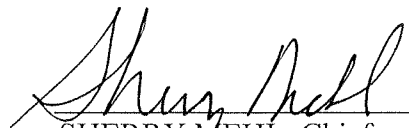
(2) The inspection shall only consist of the applicable tailpipe emissions test specified in Section 3340.42. The visual and functional tests prescribed in Section 3340.42 (e) and (f) do not apply.

(3) The referee station shall issue a certificate of compliance if the vehicle meets the tailpipe emissions requirements for the model year assigned by the Department of Motor Vehicles.

(4) Upon initial application for the registration amnesty program, the referee shall collect a \$160 inspection fee.

(b) All subsequent inspections for these vehicles shall be conducted by a referee station in accordance with this section.

Note: Authority cited: Section 9882, Business and Professions Code. Reference: Sections 4750.1 and 9565 Vehicle Code and 44012 Health and Safety Code.


SHERRY MEHL, Chief
Bureau of Automotive Repair